

Chevy Chase Village Board of Managers

September 9, 2013

***Note:** These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at www.chevychasevillagemd.gov or by request to the Village office.*

BOARD OF MANAGERS

Patricia S. Baptiste, Chair	Present
Michael L. Denger, Vice Chair	Present
Richard M. Ruda, Secretary	Present
David L. Winstead, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Elissa A. Leonard, Board Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
John M. Fitzgerald, Police Chief	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Jacqueline A. Parker, Public Safety Coordinator	Present

COUNSEL

Suellen M. Ferguson, Village Counsel	Present
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Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:33 p.m. Ms. Baptiste advised that earlier in the evening prior to its regular meeting, the Village Board convened in closed session pursuant to State Government Article Section 10-508 (a) (8) to discuss potential litigation regarding zoning matters that could potentially impact the community. During the closed session, the Board voted to hire outside legal counsel to monitor developments related to Montgomery County's zoning code re-write efforts and to represent the Village's interests.

Approval of Minutes from the Board's Regular Meeting held on July 8, 2013

Minutes of the Board's regular meeting held on July 8, 2013 were circulated to the Board prior to the meeting. Mr. Ruda requested the following amendment to the draft minutes:

- Page 6, line 16: delete "Note: The Board recommends the appointments, which must be confirmed by the HPC."

Ms. Leonard moved to approve the minutes of the Board of Managers' regular monthly meeting held on July 8, 2013, as amended. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Approval of Minutes from the Board's Special Meeting held on August 15, 2013

Minutes of the Board's Special Meeting held on August 15, 2013 were circulated to the Board prior to the meeting. Mr. Ruda requested the following amendments to the draft minutes:

- Page 2, line 6: replace "Mr. Crockett" with "Mr. Winstead".
- Page 3, line 13: add another "t" to "Crocket".

Mr. Ruda moved to approve the minutes of the Board of Managers' Special Meeting held on August 15, 2013, as amended. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard, voted in favor of the motion. The motion passed.

Consent Agenda

A-2085: Mr. James E. Gibson, Contract Purchaser, 9 Oxford Street.

Consent Agreement to remove one 12" diameter Norway Maple and one 16" diameter Sugar Maple to accommodate construction of a proposed new house and detached garage, and to reforest with at least five (5) trees of at least 2-½ inches in caliper diameter that will grow to a mature height of forty-five (45) feet or more in accordance with an approved Reforestation Plan. *There were no requests for this matter to be removed from the Consent Agenda.*

Mr. Crockett moved to approve the consent agreement as drafted. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Variance Request

A-6409 (Variance): Ms. Joanne Kyros and Mr. Thomas Schaufelberger, 135 Grafton Street.

Reconstruct the front stoop with three (3) treads, including one (1) new additional tread that would encroach an additional twelve (12) inches forward the twenty-five (25) foot front building restriction line, for a maximum total encroachment of six feet, two inches (6'-2").

Mr. Crockett moved to direct staff to draft a decision approving the variance request to reconstruct the front stoop with three (3) treads, including one (1) new additional tread that would encroach an additional twelve (12) inches forward the twenty-five (25) foot front building restriction line, for a maximum total encroachment of six feet, two inches (6'-2"). Mr. Denger

seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's Report was distributed prior to the meeting. No action was taken by the Board.

Police Report

The Police Report was distributed prior to the meeting. No action was taken by the Board.

Committee Appointments & Reports

Building Code Review Committee

Committee Chair Mary Sheehan of West Kirke Street presented a status report on the committee's work to-date and advised that the committee will provide its first draft of proposed changes to the Building Code to the Board in November.

Chevy Chase Open Space Committee

Committee Chair Meredith Wellington of West Lenox Street presented a status report to the Board.

The Board provided its unanimous support to plan for a 25% level of effort in funding the development of the Chevy Chase Open Space, pending formal review during the FY2015 operating and capital budget process. The Board also recommended naming the park the "Western Grove".

Personnel Commission

Mr. Denger moved to re-appoint Charles Ingersoll of Magnolia Parkway to a three-year term as a member of the Personnel Commission. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Tree Committee

Committee Chair, Mr. Samuel Lawrence, presented the fall 2013 tree planting list with the following amendments:

- To defer planting trees in front of 104 Hesketh Street and 25 Primrose Street due to resident objections.
- To change the purple leafed Eastern Redbud to be planted in front of 5605 Park Street to a green leafed Eastern Redbud.
- There will be two sites added along Connecticut Avenue to offset the deferred tree plantings on Hesketh Street and Primrose Street.

Mr. Denger moved to approve the fall 2013 tree planting list, as amended. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Mr. Denger moved to authorize the Village Manager to purchase of the fall tree plantings from Stadler Nurseries in an amount not to exceed \$8,200 (approx. \$180 per tree x 45 trees). Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Board Approval of a Memorandum of Understanding with the State Highway Administration for the Planting of Trees along Connecticut Avenue.

Mr. Denger moved to approve staff's recommendation to authorize the Village Manager to execute the MOU between the Village and the Maryland State Highway Administration (SHA) as drafted. Mr. Crockett seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Tree Ordinance Board

Mr. Denger moved to appoint Nina Bang-Jensen of Oliver Street to a three-year term as a member and Laura Billings of Kirkside Drive to a two-year term as an alternate on the Tree Ordinance Board. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Old Business & Status Reports

None.

New Business

Establishment of a Board Sub-Committee to Review Village Commission/Committee Structure

Ms. Baptiste asked Elissa Leonard, Richard Ruda, and Michael Denger to comprise a sub-committee of the Board to review the Village's Commission and Committee structure. The sub-committee was tasked with reviewing the existing slate of committees and commissions to bring a report back to the full Board, on their schedule, with recommendations for combining, reorganizing, eliminating or identifying new commissions/committees that might be useful to the Board.

Mr. Crockett moved to approve the sub-committee with the outlined scope of work. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Contract Authorization Request:

- Staff Benefits-Worker's Compensation with the *Injured Worker's Insurance Fund (IWIF)* A schedule of rates was circulated to the Board prior to the meeting.

Mr. Ruda moved to authorize the Village Manager to enter into a contract with the Injured Worker's Insurance Fund (IWIF) for worker's compensation coverage effective September 9, 2013 through September 9, 2014 pursuant to the provided rate structure. Mr. Crockett seconded

the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Contract Extension Request:

- Street Maintenance-A.B. Veirs and Sons, Inc. (*first of two one-year options*)

Mr. Goodwin moved to approve staff's recommendation to exercise the first of two (2) one-year extension options with A.B. Veirs and Sons, Inc. Mr. Denger seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Board Appointment of a Member to Serve as Building Officer: Patricia Baptiste

Mr. Denger moved to appoint Patricia Baptiste as Building Officer. Mr. Crockett seconded the motion. Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. Ms. Baptiste abstained. The motion passed.

Board Appointment of a Village Representative to serve as a Training Designee on Maryland's Open Meetings Compliance Law

Mr. Denger moved to appoint Village Manager Shana Davis-Cook to serve as the Village's designee to receive training regarding the State's Open Meetings Compliance Act pursuant to State law. Ms. Leonard seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Board Discussion-Selection of a Date for the Board's Regular Meeting in November Proposed Rescheduled Date: Wednesday, November 13, 2013 at 7:30 p.m. (Regularly scheduled date falls on the Veteran's Day holiday)

Ms. Leonard moved to reschedule the Board's Regular Meeting in November to Wednesday, November 13, 2013 at 7:30 p.m. Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin and Ms. Leonard voted in favor of the motion. The motion passed.

Manager's Report

The Manager's Report was circulated prior to the meeting. No action was taken by the Board.

Mr. Crockett moved to adjourn the meeting. Mr. Goodwin seconded the motion. Ms. Baptiste, Mr. Denger, Mr. Ruda, Mr. Winstead, Mr. Crockett, Mr. Goodwin, and Ms. Leonard voted in favor of the motion. The motion passed. The meeting adjourned at 8:44 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.